

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

UNITED STATES OF AMERICA	§	
	§	
v.	§	
	§	No. 4:20-CR-212
DEBRA LYNN MERCER-ERWIN (1)	§	Judge Mazzant

**ORDER**

On this day came on for consideration the United States' Motion in Limine, and after considering same, this Court hereby rules as follows:

**MIL #1** Any reference to a public authority defense or any facts implying or stating that any defendant has acted on behalf of the U.S. government as an "informant."

GRANTED \_\_\_X\_\_\_ DENIED \_\_\_\_\_

**MIL #2**

Any reference to an advice of counsel defense.

GRANTED \_\_\_X\_\_\_ DENIED \_\_\_\_\_

**MIL #3**

Any reference to a mistake regarding the law or a mistake of law defense.

GRANTED \_\_\_X\_\_\_ DENIED \_\_\_\_\_

**MIL #4** That counsel for the defendants do not reference in any way to any statements the defendants or co-defendant or co-conspirator may have made to law enforcement unless the statements are admitted into evidence as part of the United States' case.

GRANTED \_\_\_X\_\_\_ DENIED \_\_\_X\_\_\_

MODIFIED: DENIED as to trial generally. GRANTED as to opening statement.

**MIL #5** Any statement of a co-defendant or co-conspirator.

GRANTED \_\_\_X\_\_\_ DENIED \_\_\_X\_\_\_

MODIFIED: DENIED as to trial generally. GRANTED as to opening statement.

**MIL #6** Improper impeachment of a witness with a statement which that witness has neither written nor adopted as his or her own.

GRANTED \_\_\_X\_\_\_ DENIED \_\_\_\_\_

MODIFIED: with the exception of refreshing a witness's memory.

**MIL #7** Any prior bad acts any witness may have committed not resulting in a conviction or pending charges.

GRANTED \_\_\_X\_\_\_ DENIED \_\_\_\_\_

**MIL #8** Reputation or character testimony concerning any of the United States' witnesses, without first allowing the Assistant United States Attorney, outside the presence of the jury, to question such reputation witness to ascertain if he/she possesses the legal qualifications to so testify. This includes, but is not limited to, asking one witness to comment on the credibility of another witness without first approaching the bench.

GRANTED \_\_\_\_\_ DENIED \_\_\_X\_\_\_

**MIL #9** Any statement or argument calling overtly or tacitly for jury nullification. This includes any statement encouraging the jury not to follow the law and/or the Court's instructions. Specifically, any discussion of nullification or invitation to not follow the law or this Court's instructions related specifically to the enforcement of laws criminalizing registration or export violations related to aircraft. Including, but not limited, to any appeal for pity for the defendants or their families. Including, but not limited to any argument that other people, businesses or organization were not or are not currently charged with a crime in a call for nullification.

GRANTED \_\_\_X\_\_\_ DENIED \_\_\_\_\_

**MIL #10** That counsel for the defendants and/or the defendants have a personal belief or opinion regarding anything related to this case and/or trial, including, but not limited to, any of the following the innocence or lack of guilt of the defendants; the credibility of the defendants or the United States' witnesses or any evidence the United States presents.

GRANTED \_\_\_X\_\_\_ DENIED \_\_\_\_\_

**MIL #11** Any statement asking the jury to stand in the shoes of the defendants or their families. This is improper argument.

GRANTED\_\_\_X\_\_\_ DENIED\_\_\_\_\_

**MIL #12** The health condition of the trial defendants or any family member of the defendants. For example, in a Motion for Continuance filed December 1, 2022, Moffett reported to this Court that she was pregnant and her “due date” was February 2023. Dkt. 313. The fact that Moffett may have recently given birth to a child and/or may be breastfeeding a child or even that Moffett has children or a baby are not relevant and are inappropriate matters for presentation or comment before the jury. Further, even if the health issue were relevant, the danger of unfair prejudice substantially outweighs any probative value pursuant to Fed. R. Evid. 403.

GRANTED\_\_\_X\_\_\_ DENIED\_\_\_\_\_

MODIFIED: unless they testify, then they can tell their story.

**MIL #13** Testimony and/or evidence about the defendants’ children or family.

GRANTED\_\_\_X\_\_\_ DENIED\_\_\_\_\_

MODIFIED: unless they testify, then they can tell their story.

**MIL #14** Specific prior “good” acts of the defendants. “Good” acts are not relevant to prove or disprove that the defendants committed the offenses charged in this case.

GRANTED\_\_\_X\_\_\_ DENIED\_\_\_\_\_

MODIFIED: unless they testify, then they can tell their story.

**MIL #15** Reputation and/or character testimony or evidence concerning the defendants without first allowing the Assistant United States Attorney, outside the presence of the jury, to question reputation or character witnesses to ascertain if he/she possesses the legal qualifications to so testify. No character evidence related to the defendant should be elicited to suggest to the jury that the defendant acted in conformity with it either for truthfulness or as law abiding.

GRANTED\_\_\_\_\_ DENIED\_\_\_X\_\_\_

**MIL #16** The impact of the jury’s verdict on the defendants or their families.

GRANTED\_\_\_X\_\_\_ DENIED\_\_\_\_\_

**MIL #17** Any punishment the defendants may face if they are convicted in this case; including any specific punishment range associated with any specific charge in this case as it relates to the trial defendants.

GRANTED\_\_\_X\_\_\_ DENIED\_\_\_\_\_

**MIL #18** Conditions in penal institutions and or the impact of incarceration on the defendant and or their families.

GRANTED\_\_\_X\_\_\_ DENIED\_\_\_\_\_

**MIL #19** Any bolstering, including, but not limited to, an argument that a defendant offered to enter a plea of guilty to any specific charges because they are guilty of only that, but the defendant has entered a plea of not guilty to the additional charges. In other words, any argument that when the defendant is guilty, they admit it, but when not guilty, they contest it.

GRANTED\_\_\_X\_\_\_ DENIED\_\_\_\_\_

**MIL #20** Any comment on the U.S. Attorney's Office's failure to follow internal directives USAM/JUSTICE MANUAL.

GRANTED\_\_\_X\_\_\_ DENIED\_\_\_\_\_

**MIL #21** Any accusations against any AUSAs made by the defendant/ any entity or organization; including accusations of discovery violations.


GRANTED\_\_\_X\_\_\_ DENIED\_\_\_\_\_

**MIL #22** Any pretrial rulings by the Court.

GRANTED\_\_\_X\_\_\_ DENIED\_\_\_\_\_

IT IS SO ORDERED.

**SIGNED this 10th day of April, 2023.**

  
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AMOS L. MAZZANT  
UNITED STATES DISTRICT JUDGE